

By: Harris S.B. No. 304
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Nays 0; March 12, 2007, sent to printer.)

A BILL TO BE ENTITLED
AN ACT

relating to the calculation of child support obligations.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 154.062, Family Code, is amended by
adding Subsection (e) to read as follows:

(e) In calculating expenses for health insurance coverage
for an obligor's child under Subsection (d)(5), if the obligor has
other minor dependents covered under the same health insurance
plan, the court shall divide the total cost to the obligor for the
insurance by the total number of minor dependents, including the
child, covered under the plan.

SECTION 2. Section 154.125, Family Code, is amended to read
as follows:

Sec. 154.125. APPLICATION OF GUIDELINES TO NET RESOURCES OF
\$7,500 [~~\$6,000~~] OR LESS. (a) The guidelines for the support of a
child in this section are specifically designed to apply to
situations in which the obligor's monthly net resources are \$7,500
[~~\$6,000~~] or less.

(b) If the obligor's monthly net resources are \$7,500
[~~\$6,000~~] or less, the court shall presumptively apply the following
schedule in rendering the child support order:

CHILD SUPPORT GUIDELINES

BASED ON THE MONTHLY NET RESOURCES OF THE OBLIGOR

1 child	20% of Obligor's Net Resources
2 children	25% of Obligor's Net Resources
3 children	30% of Obligor's Net Resources
4 children	35% of Obligor's Net Resources
5 children	40% of Obligor's Net Resources
6+ children	Not less than the amount for 5 children

(c) If the obligor's monthly net resources are less than
\$2,000, the court may order, after application of the guidelines,
additional amounts of child support as appropriate, based on the
income of each of the parties and the proven needs of the child,
except that the obligor may not be required to pay an additional
amount of child support that is more than the greater of the
presumptive amount under Subsection (b) or the amount equal to 100
percent of the proven needs of the child.

SECTION 3. Section 154.126, Family Code, is amended to read
as follows:

Sec. 154.126. APPLICATION OF GUIDELINES TO NET RESOURCES OF
MORE THAN \$7,500 [~~\$6,000~~] MONTHLY. (a) If the obligor's net
resources exceed \$7,500 [~~\$6,000~~] per month, the court shall
presumptively apply the percentage guidelines to the first \$7,500
[~~\$6,000~~] of the obligor's net resources. Without further reference
to the percentage recommended by these guidelines, the court may
order additional amounts of child support as appropriate, depending
on the income of the parties and the proven needs of the child.

(b) The proper calculation of a child support order that
exceeds the presumptive amount established for the first \$7,500
[~~\$6,000~~] of the obligor's net resources requires that the entire
amount of the presumptive award be subtracted from the proven total
needs of the child. After the presumptive award is subtracted, the
court shall allocate between the parties the responsibility to meet
the additional needs of the child according to the circumstances of
the parties, except that [~~However, in no event may~~] the obligor
may not be required to pay an additional amount of [~~more~~] child
support that is more than the greater of the presumptive amount or
the amount equal to 100 percent of the proven needs of the child.

SECTION 4. Subsection (b), Section 154.130, Family Code, is amended to read as follows:

(b) If findings are required by this section, the court shall state whether the application of the guidelines would be unjust or inappropriate and shall state the following in the child support order:

"(1) the monthly net resources of the obligor per month are \$_____;

"(2) the monthly net resources of the obligee per month are \$_____;

"(3) the percentage applied to the obligor's net resources for child support by the actual order rendered by the court is _____%;

"(4) the amount of child support if the percentage guidelines are applied to the first \$7,500 [~~\$6,000~~] of the obligor's net resources is \$_____;

"(5) if applicable, the specific reasons that the amount of child support per month ordered by the court varies from the amount stated in Subdivision (4) are: _____; and

"(6) if applicable, the obligor is obligated to support children in more than one household, and:

"(A) the number of children before the court is _____;

"(B) the number of children not before the court residing in the same household with the obligor is _____; and

"(C) the number of children not before the court for whom the obligor is obligated by a court order to pay support, without regard to whether the obligor is delinquent in child support payments, and who are not counted under Paragraph (A) or (B) is _____."

SECTION 5. Section 154.182, Family Code, is amended by adding Subsection (d) to read as follows:

(d) In calculating the additional child support to be withheld under Subsection (b)(2), if the obligee has other minor dependents covered under the same health insurance plan, the court shall divide the total cost to the obligee for the insurance by the total number of minor dependents, including the child, covered under the plan.

SECTION 6. Subsection (b), Section 154.183, Family Code, is amended to read as follows:

(b) If the court finds and states in the child support order that the obligee will maintain health insurance coverage for the child at the obligee's expense, the court may increase the amount of child support to be paid by the obligor in an amount not exceeding the total expense to the obligee for maintaining health insurance coverage. In calculating the total expense to the obligee for maintaining health insurance for the child under this subsection, if the obligee has other minor dependents covered under the same health insurance plan, the court shall divide the total expense to the obligee for the insurance by the total number of minor dependents, including the child, covered under the plan.

SECTION 7. The changes in law made by this Act apply only to a proceeding to establish or modify a child support obligation that is pending on or filed on or after the effective date of this Act.

SECTION 8. This Act takes effect September 1, 2007.

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